IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 22369 of 2004

Between:

C.K.A Kumar S/o C.G. Krishna Murthy, Conductor,
R/o H. No. 25-4-191, Vishnupuri, Khazipet, Warangal

..... PETITIONER

AND

1. The Depot Manager, APSRTC, Jangaon Depot District

Warangal
2 The Industrial Tribunal-cum-Labour Court, Warangal

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a suitable writ order or direction more particularly one in the nature of writ of certiorari by calling for the records pertaining to M.P. 17/2002 on the file of the Industrial Tribunal-cum-Labour Court, Warangal and declare the order therein dt 31-03-2004 in not awarding benefits from the date of award in ID 15/86 dt 23-2-86 as illegal, arbitrary and violative of Principles of natural justice and quash the order dt 31-03-2004 in MP 17/2002 on the file of the Industrial Tribunal-cum-Labour Court, Warangal to the extent of not awarding benefits from the date of award in I.D. 15/86 dt 23-2-86 and consequentially direct the respondent to pay benefits from 23-2-86 instead from 13-2-2001.

Counsel for the Petitioner:SMT.S.A.V.RATNAM

Counsel for the Respondent No.1: SMT. P.RAJINI REDDY

Counsel for the Respondent No.2: GP FOR LABOUR

The Court at the admission stage made the following O R D E R:

Challenging the award passed by the Industrial Tribunal-cum-Labour Court, Warangal in M.P.No.17 of 2002, dated 31.03.2004, the present writ petition is filed.

Learned counsel for the petitioner contended that though the Tribunal passed the award on 08.11.1885 in I.D.No.15 of 1984, as the Management has not communicated reinstatement orders to the petitioner, he could not be reinstated into service and, therefore, he is entitled to the wages from 23.02.1986 to 27.11.2000. Hence, prays to allow the writ petition.

On the other hand, learned standing counsel appearing for the first respondent contended that reinstatement orders had been sent to the address mentioned in the service register of the petitioner, which was returned with an endorsement that the addressee left without intimation. She further contended in view of the written endorsement, the letter was exhibited in the notice board.

By virtue of the orders passed by the Tribunal in I.D.No. 15 of 1984 dated 08.11.1985, petitioner was ordered to be reinstated into service forthwith with continuity of service and all other attendant benefits but without backwages. The award was published on 23.01.1986 and it came into force from 23.02.1986.

The scope of judicial review is very much circumscribed. Unless the principles of natural justice are violated or the findings recorded by the Tribunal are perverse or the petitioner was not afforded any opportunity to adduce evidence or that the findings are not based on the material available on record, this Court will not interfere with the award passed by the Tribunal.

The Tribunal, while dealing with communication of reinstatement orders by the first

respondent to the petitioner, observed that the registered letter was returned as undelivered with endorsement that the addressee left without intimation. It further observed that in view of written endorsement, the letter was exhibited in the notice board. The Tribunal, after elaborate consideration, came to the conclusion that the petitioner is not entitled for wages and other benefits from 23.02.1986 to 12.02.2001 because of latches on the part of the petitioner for 14 years. The first respondent has taken prompt action after the award was passed by the Tribunal. Hence, viewed from any angle, the order under challenge does not suffer from any legal infirmities warranting interference of this Court.

Accordingly, the writ petition is dismissed at the stage of admission. No costs.

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(K.C.BHANU,J)

Dt:22.03.2005

usd

To

1 The Depot Manager, APSRTC, Jangaon Depot District

Warangal

2 The Industrial Tribunal-cum-Labour Court, Warangal

3. Two CCs to G.P. for Labour, High Court of A.P., Hyderabad (OUT)

4. Two CD copies.